

## Abstract

The thesis entitled “The Role of Minority Members of the House of Representatives in Parliamentary System And Problems Facing The Thai Constitution: A Case Study on Legal Scrutiny into Administrative Branch’s Performance” primarily aims at studying the role of the minority Members of the House of Representatives in Thai Parliament with scope of study being limited only to the problems relating to the political scrutiny and verifying for the validity and comparability of the relevant laws for performances by Administrative Branch or the Majority in compliance with Thai Constitution and by comparison to the political scrutiny and verifying for the validity of the relevant laws as per implemented in foreign countries.

According to findings of the study, in political era when Thailand’s adoption of the B.E.2540 Constitution, arose a major political problem – impediment on the part of the minority to initiate by submitting a no-confidence motion against the Prime Minister because then-Constitution required far too much numbers of Members of House of Representatives submitting such a motion and the Constitution even required that the no-confidence motions against the Prime Minister and those of ministers be handed in separately by using the different standards, issue relating to a requirement that the impeachment motion be submitted well ahead of no-confidence motion, issue relating Minority’ handicap to probe and scrutinize any executive degrees in case to deliver their opinions and debates as to whether such a degree should be issued by the Administrative Branch in such urgently manner or not, and lastly the problem relating to scrutiny of the draft legislation, given that the Constitutional Court is required to submit such the matter to Parliamentary President, who himself represents a majority; all of those above-mentioned political problems and challenges are undeniably deemed as a major handicap limiting the role of the minority significantly.

The B.E.2550 Constitution, however, has made a difference by requiring less number of those submitting such a no-confidence motion in addition to allowing the minority to probe and scrutinize the Administrative Branch’s executive degree urgently

so as to avoid any legal problems ahead. In comparison with the Germany, it is found that there is article stating a submission of a no-confidence motion against the Prime Minister only, given that it is deemed that the Government should take the joint responsibility for all administrations of the country. In regards to other aspects of political problems, this Constitution remains intact.

The solution towards this political problem is to come up with a requirement that a no-confidence motion should be lodged only against the Prime Minister, given that all public administrations and state performances are undeniably under the responsibilities of the Prime Minister. The necessary change should be made to the rule of submitting the no-confidence motion and constitutional amendment should also be made to the article that requires the Constitutional Court submits the matter to Parliamentary President. By this way, it could open up more room for minority in Thai Parliament to perform their duties as the major check-and-balance-mechanism against the Administrative Branch or the Majority efficiently. It would also be in compliance with prevailing rule of the parliamentary system, a loosely separation of power and would truly complies with the rule of the democracy in which the majority pays due respects and heeds to the voices and needs of the minority.